S.B.CRIMINAL MISC. PETITION NO.170/2007
Date : 02.08.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. D.S. Udawat for the petitioner(s).
Mr. Ashok Upadyaya, Public Prosecutor for the State.

By moving the present criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 18.9.2006 passed by learned Judicial Magistrate, First Class, Bar District Pali pertaining to FIR No.116/2001 Police Station, Sendara, whereby the learned trial court took cognizance against the petitioner for offence under Section 409 IPC.

During the course of the argument, it has been revealed that order of the learned trial court taking cognizance is revisable and no revision petition has been filed as provided by the law. If that is so, then, exceptional powers under Section 482 Cr.P.C., in my opinion is not required to be invoked first.

In view of above, the misc. petition stands disposed of with the observation that the petitioner shall be free to move revision petition before the concerned Court and the time spent in pursuing the remedy before this Court shall not come in way of the petitioner for the purpose of calculating the period of limitation.

(SATYA PRAKASH PATHAK), J.

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